Remarks

Claims 1-12 are pending in the above-identified application. Claims 1, 5 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,957,281 issued to Mann et al. (hereinafter referred to "Mann"). Claims 2-4, 6-8, and 10-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mann in view of U.S. Patent No. 6,907,041 issued to Turner et al. (hereinafter referred to as "Turner").

The Claims are allowable over Mann

Mann teaches an arrangement "for ingress processing optimization via traffic classification and grouping [where a] plurality of packets are classified according to a classification criterion." Mann at Abstract. Mann describes the context of its teaches in its Background section as follows: "Data exchange between independent network nodes is frequently accomplished via establishing a "session" to synchronize data transfer between the independent network nodes." The Examiner notes that "based on the teaching that the host system [of Mann] receives packets from different sessions, it is obvious that the host system receives packets from a plurality of network nodes (each a different session) in the network." Examiner's Answer of July 30, 2009 at page 7 (emphasis added). Mann then teaches that "the order of the received packets may be re-arranged in the packet queue 220 (e.g., arrange all the packets with a same session number in a sequence). . . . When classification is complete, all packets that are classified as a single group have, for example, the same session number . . . This group of packets may be delivered to the host 140 as one unit identified by the session number." Mann at col. 5, lines 22-25 and 36-41.

Because the system of Mann delivers groups of packets into one unit identified by the session number, and each session number corresponds to one node, Mann cannot teach every element of the pending claims. For instance, amended claim 1 recites "receiving a plurality of sets of data packets from a plurality of non-synchronous compute nodes physically separated from each other, wherein each of said sets of data packets is provided by one of said non-synchronous compute nodes and wherein each of the plurality of non-synchronous compute nodes comprises a source of data packets" and "outputting said data packets in respective logical groups that represent an aggregate packet from at least two of the non-synchronous compute

nodes after said grouping criteria has been met." These elements are not possible under the above teachings of Mann.

The recitations of amended claim 1 are supported at least in FIG. 1 of the pending application as described in paragraph 15 of the published application. Moreover, when applied to distributed data processing systems, "there is a need to collate the result from the distributed nodes to perform another level of data transformation to be used as a result or as an input to another compute node." Published specification at paragraph 5. Accordingly, Mann's teachings do not support extension of its subject matter to at least the recitation of claim 1 that "outputting said data packets in respective logical groups that represent an aggregate packet from at least two of the non-synchronous compute nodes after said grouping criteria has been met."

Independent claims 5 and 9 include limitations similar to that of claim 1. For all these reasons, we submit that claims 1, 5, and 9 are patentable over Mann. The remaining claims ultimately depend upon one of the independent claims shown allowable over Mann above. While we believe that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, we also believe that the comments set forth herein are sufficiently compelling to warrant exclusion of such additional points for the sake of brevity and expedited consideration.

Specification

The specification is amended to reflect the correct priority claim for this application as reflected in the papers filed with the national phase filing of this application. We respectfully request that the Examiner update the Bibliographic Data Sheet of this application accordingly to reflect both the national phase application and the provisional application. No petition is necessary as the statement regarding the priority claim to the provisional application, which is currently missing in the Bibliographic Data Sheet of this application, was present as of the filing of this application.

Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: September 30, 2009

/Nicholas T. Peters/
Nicholas T. Peters
Registration No. 53,456
ntpete@fitcheven.com

FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000